

Go to Previous Minutes and Agendas

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Wednesday, July 5, 2006

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin arrived at 7:52, R. Hall, K. Holt, P. Kochchenburger, P. Plante, B. Ryan, G. Zimmer
Members absent: none
Alternates present: C. Kusmer, V. Stearns, B. Pociask
Alternates absent: none
Staff present: C. Hirsch (Zoning Agent), G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:50 p.m.

Minutes:

6/19/06-Gardner MOVED, Hall seconded, to approve the Minutes as written; MOTION CARRIED UNANIMOUSLY.

Scheduled Business

Zoning Agent's Report

- A. Monthly Activity- There were no questions or comments regarding C. Hirsch's Monthly Report of Zoning Enforcement Activity.
- B. Enforcement Update- C. Hirsch noted that the Negro court case has ended due to the sale of the subject property. The buildings are being taken down.

Old Business

1. Subdivision application, proposed new lot on Mt. Hope Road, F. Spakoski, applicant, C. Harakaly, owner, file #1247-M.A.D.7/5/06

Representing the applicant was Mike Dilaj from Datum Engineering who presented the Commission with a revised map dated 7/5/06, depicting a proposed location for the open space dedication.

Dilaj indicated that approximately 3 acres of open space is required, and he depicted this on the most westerly field along the road. Approximately 2 acres is on dry land and 1.4 acres is in the wetlands totaling 3.4 acres being designated as open space. This proposal would still allow Mr. Spakoski to utilize the remaining land for his proposed agricultural use.

Padick stated that what was presented tonight is acceptable in his opinion. He stated that the commission has 3 options: accept the previous map dated 6/16/06, accept the revised map submitted tonight, or accept the previous map with the condition that the field be placed in a Conservation Easement, and that the boundaries, with some of the wetlands to be included, can be worked out by the Chairman with staff assistance. They will use Mansfield's Model Conservation Easement Regulations and the applicant's revised map as a guide.

Gardner MOVED, Holt seconded, to approve with conditions the subdivision application (file #1247), of Frank Spakoski, for Mount Hope Farm, on property owned by Charles and Lorraine Harakaly, located at the corner of Mount Hope Road and Warrenville Roads, in a RAR-90 zone, as submitted to the Commission and shown on plans dated June 16, 2006.

This approval is granted because the application, as hereby approved, is considered to be in compliance with the Mansfield Zoning Regulations. Approval is granted with the following modifications or conditions:

1. Final plans shall be signed and sealed by the responsible surveyor, engineer, and soil scientist.
2. Based on condition #3 of the Inland Wetland Agency's 6/5/06 approval, which requires subsequent modification approval for specific pasture fencing and provisions for animal watering with minimal wetland impact, the final plans shall be revised as follows:
 - a. IWA approval for pasture fencing and animal access to wetland/watercourse areas shall be obtained for lot 2, and based on this IWA approval, IWA approved development area envelopes in pasture areas shall be depicted on the final plans, or
 - b. All currently depicted development area envelopes south and east of wetland areas between Mount Hope Road and the IWA approved brook crossing, shall be deleted, except for areas adjacent to the depicted driveway and coop area which shall be retained.
3. This approval authorizes setback waivers for the existing house and coop/barn on lot 1. Note 6 on sheet 3 reflects this approved waiver and appropriately notes that depicted building area envelopes serve as setback lines. Notice of these waivers and associated setback requirements, as cited on said note 6, shall be filed as a Notice on the Land Records prior to or concurrent with the filing of final plans.
4. After considering the proposed subdivision layout, site, and neighborhood characteristics, including Mount Hope Road's designation as a "scenic road," the open space provisions of Section 13 and goals, objectives, and recommendations contained in Mansfield's Plan of Conservation and Development, the PZC has determined that a conservation easement dedication shall be required. Accordingly, subject to final acceptance by the PZC Chairman, with staff assistance and use of the Town's model conservation easement format, the final plans shall be revised to include as a conservation easement area portions of lot 2 situated north of Mount Hope Road and west of the

depicted driveway. Unless specifically limited by the provisions of Sections 13.1 and 13.3, at a minimum this area shall include an open field area north of Mount Hope Road between SNET pole 3389 and CL&P pole 2059. Based on the applicant's expressed plans to utilize open field areas for pastures, the conservation easement agreement may authorize certain agricultural uses, similar to provisions included in the nearby Stephens Estates Conservation Easement Agreement. Based on the Inland Wetlands Agency approval requirements, the easement should reference the need for IWA approval for fencing and any water access for animals, and prior to utilizing this area for pasture use the PZC must authorize a development area envelope.

5. Final plans shall be revised as follows:

- a. The plans shall note that Mount Hope Road is a Mansfield designated "Scenic Road" and that scenic views, both into and out of the subdivision, exist along this road.
- b. An estimate of the amount of fill needed to develop lot 2 shall be added to the plans. (The applicant's engineer has testified that about 440 cubic yards of fill will be needed and therefore special permit approval is not required.)
- c. The size of emergency vehicle turnaround and two driveway by-pass areas shall be expanded to meet the provisions of Sections 7.11.b and c.

6. Lot 1 has been reduced to less than 5 acres in size and therefore this lot will no longer qualify as a "farm" based on zoning provisions, and the existing barn/coop will no longer qualify for general farming use. This shall be noted on the final plans and noticed on the Land Records.

7. The Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety (90) or one hundred and eighty (180) day filing extension has been granted):

- a. All final maps, including submittal in digital format, a drainage easement, a conservation easement, and a Notice on the Land Records to address conditions 3 and 6 (with any associated mortgage releases) shall be submitted to the Planning Office no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant;
- b. All monumentation (including delineation of the conservation easement with iron pins and the Town's official markers every 50 to 100 feet on perimeter trees or on cedar posts), with Surveyor's Certificate, shall be completed or bonded pursuant to the Commission's approval action and Section 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant.

MOTION PASSED UNANIMOUSLY.

2. Acceptance of withdrawal of Re-subdivision Application of lots 29 and 33 in the Maplewoods Subdivision, Maple Road/Max Felix Drive, into 3 lots, Depot Associates, o/a File #974

Holt moved, Gardner seconded, to accept a letter from Depot Associates, dated 6/20/06 for the withdrawal of the Re-subdivision application File # 974, in the Maplewoods Subdivision, Maple Road/Max Felix Drive.

MOTION PASSED UNANIMOUSLY.

3. Application to re-zone property on northerly side of Dog Lane from RAR-90 to Planned Business-2, Mansfield Downtown Partnership/Storrs Alliance, LLC., File #1246

There were no questions or comments regarding this application.

Kochenburger MOVED, Holt seconded, to approve the application of Storrs Center Alliance, LLC., and Mansfield Downtown Partnership, Inc. (file #1246) to rezone 1.16 acres of land, owned by the State of Connecticut from RAR-90 to Planned Business-2, as shown on a map dated 4/26/06, and located on the northern side of Dog Lane, about 500 feet east of Storrs Road, and as heard at Public Hearings on June 5 and June 19, 2006.

This zone change shall become effective as of July 15, 2006. Approval is granted for the following reasons:

The subject re-zoning is consistent with mapping and text specified goals, objectives, and recommendations contained in Mansfield's 2006 Plan of Conservation and Development. The subject site is classified as "Planned Business/Mixed Use" in Mansfield's Plan. The proposed re-zoning also is considered consistent with mapping and text recommendations contained in the 2002 Windham Region Land use Plan and the 2005-2010 Conservation and Development Policies Plan for Connecticut.

The subject site is adjacent to existing commercial and institutional uses and is served by University of Connecticut sewer and water systems. The site does not contain wetland or watercourse areas and can physically support commercial and mixed use development. Adjacent land is already zoned Planned Business-2 and this re-zoning essentially extends the existing zone.

The propose re-zoning is considered to be consistent with approval considerations contained in Articles I and XIII of Mansfield's Zoning Regulations and Section 8-2 of the State Statutes.

MOTION PASSED UNANIMOUSLY.

4. Application to amend Articles VII and VIII of the Zoning Regulations, Mansfield Downtown Partnership/Storrs Alliance, LLC., File #1246-2

There were no questions or comments regarding this application.

Kochenburger MOVED, Holt seconded, to approve the application of Storrs Center Alliance LLC., and Mansfield Downtown Partnership (File #1246-2) to amend Mansfield Zoning Regulations, Article VII, Section L.2.b.2, Article VII, Section L.2.n. (new section) and Article VIII, as submitted to the Commission and heard at Public Hearings on June 5 and June 19, 2006.

A copy of the subject regulations as revised by this approval shall be attached to the minutes of this meeting, and these amendments shall be effective as of July 15, 2006.

Reasons for approval include:

1. The approved regulation revisions, which will authorize (under specific standards) the repair of internal combustion engines and mixed use (commercial and multi-family housing) in the Planned Business-2 zone, and allow (with certain restrictions) a maximum building height of 60 feet in the Planned Business-2 zone, will promote goals, objectives, and recommendations contained in Mansfield's 2006 Plan of Conservation and Development. The revisions also are considered consistent with goals and recommendations contained in the 2002 Windham Region Land Use Plan, and the 2005-2010 Conservation and Development Policies Plan for Connecticut.
2. The approved revisions are acceptably worded and appropriately coordinated with other provisions of Mansfield's Zoning Regulations. The Town Attorney has found the revisions legally acceptable.
3. The approved permitted use revisions will provide an opportunity for an existing automobile repair business to remain in the Storrs Center Downtown project. The revisions also will allow mixed use development which is specifically encouraged in the Town's Plan in Planned Business areas with public sewer and water services.
4. The approved increase in maximum height to 60 feet is appropriate due to existing structures that exceed this height on adjacent University of Connecticut property.

MOTION PASSED UNANIMOUSLY.

5. Special Permit Application, proposed commercial building and related site work on property Dog Lane, Storrs Center Alliance, LLC, applicant, file #1246-3

Holt questioned why the proposed motion item #10 waives the interior landscaping of the parking lots. It was explained that the idea was to put the buffer on the roadside instead of landscaping interior islands. Holt was concerned that there might not be enough of a buffer between the parking lot and the residential area, and wanted a provision added that if we find it not adequate, we can require more. Favretti stated, according to the

submitted plans, it is an adequate buffer zone, and most likely the landscape architect will provide deer resistant evergreen trees that will not lose their coverage in the fall/winter.

Zimmer questioned if staff could research the “pull-off” area on Dog Lane in front of Health South and inquire if it could be utilized by deliveries being made to the new proposed building.

Goodwin questioned if there is a turnover of tenants the parking space requirement could change. It was explained that any time there is a change in occupancy of a tenant space, the Zoning Agent would evaluate the parking space requirements for that business use.

Kochenburger MOVED, Holt seconded, to approve with conditions the special permit application (file #1246-3), of Storrs Center Alliance, LLC. For a 3-story commercial/mixed use building on property located on Dog Lane, as submitted to the Commission and shown on plans dated 4/26/06, revised through 6/16/06 and as presented at Public Hearings on June 5 and June 19, 2006.

This approval is granted because the application as hereby approved is considered to be in compliance with Article V, Section B, and other provisions of the Mansfield Zoning Regulation, as modified by preceding Commission action to rezone the subject site to Planned Business-2 and to revise Article VII and VIII of the Zoning Regulations. This approval also authorizes, pursuant to Section 14-54 of the Connecticut General Statutes, an automotive service station use at the subject site.

This approval is granted with the following conditions:

1. This approval is specifically tied to the applicant’s submissions and the conditions cited in this motion. Unless modifications are specifically authorized, the proposed uses and site improvements shall be limited to those authorized by this approval. Any questions regarding authorized uses, required site improvements, and conditions cited in this approval, shall be reviewed with the Zoning Agent and Director of Planning and, as appropriate, the PZC;
2. Based on current uncertainties regarding the specific mix of uses for the subject building, compliance with the parking requirements of Article X. Section D. cannot be conclusively determined at this time. Accordingly, prior to the issuance of a Zoning Permit for this project, a more specific listing of proposed uses, including information about any restaurant seating, shall be submitted to the Zoning Agent. Additionally for any automotive service station use, more specific information about appointment scheduling and overall management of parking needs, shall be provided.

After consultation with the PZC Chairman and Director of Planning, the Zoning Agent shall confirm that applicable parking requirements have been met. If questions arise, the entire Commission shall be consulted. If it is determined that parking requirements have not been met with the proposed mix of uses, a Zoning Permit shall not be issued. However, the applicant may alter the proposed mix and/or provide additional on site or

off site parking to address the parking requirements of Article X Section D. Any new parking spaces shall require PZC approval but may be authorized through the modification process.

3. To address loading/delivery provisions of the Regulations and to help prevent traffic safety problems on Dog Lane or the Bishop Center Drive, all delivery vehicles that do not fit within designated parking spaces shall be directed to utilize the access drive immediately north of the subject commercial building. Final plans shall incorporate any necessary island/curb cut or driveway revisions needed to accommodate large delivery trucks entering and exiting this access drive. Alternately, the final plans may include another delivery area that addresses regulatory requirements.

4. Due to concern about overall traffic circulation and vehicular and pedestrian safety and due to the driveway width requirements of Article X. Section D.4 and D.7, the driveway proposed through the easterly side of the building shall be designated for one-way entering traffic.

5. All construction traffic shall be directed to utilize Storrs Road and the westerly end of Dog Lane. No construction traffic shall use residential roadways east and northeast of the site. The applicant shall be responsible for monitoring and enforcing this condition.

6. All signage details, including traffic control signage, and all lighting details, including fixture and light source intensity information, shall be submitted to the Commission for approval.

7. Based on existing Zoning requirements, additional Special Permit approval shall be required for any sale of alcoholic beverages or any live music use.

8. Prior to the issuance of a Zoning Permit:

- a. The applicant shall submit a \$5,000 cash site-development bond with associated bond agreement to be approved by the PZC Chairman with staff assistance.
- b. The individual responsible for implementing the erosion and sedimentation control plan shall be identified and contact information shall be provided.
- c. Access easements for the Bishop Center driveway and for the driveway along the northern property line shall be filed on the Land Records.

9. During periods of construction, the applicant shall submit to the Zoning Agent bi-weekly erosion and sediment control monitoring reports until disturbed areas are stabilized.

10. This approval waives the interior lot landscaping provisions of Article X. Section D.18. This waiver is justified based on site and neighborhood characteristics and a desire to maximize the buffering to the east of the site.

11. No Certificate of Compliance shall be issued until all approved site work is completed or bonded as per regulatory requirements.

12. The following revisions shall be incorporated onto final plans, which shall be signed and sealed by all responsible professionals, including the project engineer architect and landscape architect. These revisions shall be approved by the PZC Chairman with staff assistance:

- a. Any delivery area revisions needed to address condition #3, and driveway designation revisions need to address condition #4.
- b. The parking information chart on sheet SP-1 shall be deleted.
- c. Construction details for the eco-stone parking areas with appropriate base that will minimize the risk of shifting or movement during freeze and thaw cycles.
- d. The addition of one or more fire hydrants to address the 5/31/06 recommendation of the Fire Marshal. The plans also shall include an exterior connection to the automatic sprinkler system, which should be located on the Dog Lane side of the building.
- e. The architectural plans shall add a note that no residential units shall be located above any automotive service station use.
- f. A handicap parking space shall be added or moved to the rear courtyard area.
- g. An estimate of the amount of fill needed to be brought to the site.
- h. The scale on Sheet SP-1 and the north arrow on sheets EX-2 and SB-1 shall be corrected.
- i. Landscape plans shall be revised to substitute a deer resistance species for the proposed evergreen screen east of the parking lot and to incorporate more specific planting details for street trees and any surface protection. Additionally, all selected plants shall be reviewed and as appropriate, revised to address deer damage potential, buffer effectiveness, and sight line requirements.

13. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records.

MOTION PASSED UNANIMOUSLY.

6. Subdivision application, proposed new lot on Dog Lane, Storrs Center Alliance, LLC, applicant,
File #1246-4 M.A.D. 8/23/06

There were no questions or comments regarding this application.

Kochenburger MOVED, Holt seconded, to approve with conditions the subdivision application (file #1246-4), of Storrs Center Alliance, LLC, to create a 1.16 acre lot, on property currently owned by the State of Connecticut, located on the northerly side of Dog Lane, about 500 feet east of Storrs Road, as submitted to the Commission and shown on plans dated 4/26/06, revised through 6/16/06 and as presented at Public Hearings on

June 5 and June 19, 2006. In a preceding action the subject property was re-zoned to Planned Business-2.

This approval is granted because the application, as hereby approved, is considered to be in compliance with the Mansfield Zoning Regulations. Approval is granted with the following modifications or conditions:

1. Final plans shall be signed and sealed by the responsible surveyor and engineer;
2. Whereas subdivision plans must be filed on the Land Records, it is essential that the filed plans include or appropriately reference all of the information required by Section 6.5. This required information, which cannot be waived based on Mansfield's Subdivision Regulations, can be depicted on 1 or more sheets, each with a required approval signature block. Accordingly, the applicant shall submit one or more subdivision maps that include all of the information specified by Section 6.5. Prior to signing the final plans, the PZC Chairman, with staff assistance, shall confirm that this requirement has been met and that final subdivision plans are fully consistent with all information contained on associated special permit plans for the subject site.
3. The Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety (90) or one hundred and eighty (180) day filing extension has been granted);
 - a. All final maps, including submittal in digital format, a right-of-way deed along Dog Lane, and access and drainage easements from the State of Connecticut, for recording on the Land Records (with any associated mortgage releases) shall be submitted to the Planning Office no later than fifteen days after the appeal period, provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant;
 - b. All monumentation, with surveyor's certificate, shall be completed or bonded pursuant to the Commission's approval action and Section 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant.

MOTION PASSED UNANIMOUSLY.

7. Site modification request, proposed deck and increase in seating, Mansfield Restaurant Pizzeria & Pub, 466 Storrs Road, P. Gitsis, o/a, file #651-2- No discussion held, Item TABLED.

8. Sand and Gravel Special Permit Renewals, Public Hearing Continued until 7/17/06
a. Hall Property, Old Mansfield Hollow Road, File #910-2-No discussion held, item TABLED.

b. Banis Property, Pleasant Valley Road, File #1164- No discussion held, item TABLED.

9. Bond Release Requests:

A. Wild Rose Estates Section 1, File #1302 and Section 2, File #1302-2

· Gardner MOVED, Holt seconded, that the PZC reduce the bond requirement for Wild Rose Estates Phase 1 to \$30,000 and authorize the PZC Chairman, with staff assistance, to execute a new bond agreement for this subdivision. The new bond agreement shall include the recommendations contained in the 6/29/06 report from the Assistant Town Engineer. Upon execution of the new agreement, staff is authorized to reduce the cash bond to \$30,000. MOTION PASSED UNANIMOUSLY.

· Gardner MOVED, Holt seconded, that the PZC reduce the bond requirement for Wild Rose Estates Phase 2A to \$150,000 and authorize the PZC Chairman, with staff assistance, to execute a new bond agreement for this subdivision. The new agreement shall include as part of Phase 2A, certain work in Phase 1 as recommended in a 6/29/06 report from the Assistant Town Engineer and specific references to Blake Lane and related drainage work that was originally approved as part of Phase 2B. In conjunction with the new agreement, staff is authorized to accept a reduced Letter of Credit from the Savings Institute in the amount of \$128,700. The existing cash bond of \$21,300 shall remain. MOTION PASSED UNANIMOUSLY.

B. Mulwood East, File #1225- No discussion held, item TABLED.

C. Fellows Estates, File #1230

· Gardner MOVED, Holt seconded, that the PZC reduce the bond requirements for Fellows Estates to \$100,000 and authorize the PZC Chairman, with staff assistance, to execute a new bond agreement for this subdivision. In conjunction with the new agreement, staff is authorized to accept a reduced Letter of Credit from New Alliance Bank in the amount of \$76,000. The existing cash bond of \$24,000 shall remain. MOTION PASSED UNANIMOUSLY.

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10. PZC proposed revisions to the Zoning Regulations - No discussion held, item TABLED.

11. Proposed PZC fee- No discussion held, item TABLED.

New Business

Field Trip: Chairman Favretti set the next Field Trip for Wednesday, July 19, 2006 at 1:00 p.m.

1. New Special Permit Application, River Park, Plains Road, Town of Mansfield o/a, File #1249

Holt MOVED, Gardner seconded, to receive the Special Permit application (file #1249) submitted by the Town of Mansfield, for park and recreation improvements on property located along the Willimantic River north of Plains Road, owned by the Town of Mansfield, as shown on plans dated 6/1/06, and as described in other application submissions, and to refer said application to the staff, and Committee on the Needs of Persons with Disabilities for review and comments, and to set a Public Hearing for August 7, 2006.

MOTION PASSED UNANIMOUSLY.

2. New Re-Subdivision Application, Gifford Estates Resubdivision, 2 new lots on Maple and Spring Hill Roads, Spring Valley LLC., applicant, File #1250

Holt MOVED, Gardner seconded, to receive the re-subdivision application (file #1250) submitted by Spring Valley LLC., for creating 2 new lots, Gifford Estates Resubdivision on property located on Maple and Spring Hill Roads, owned by Francis and Denise Halle, as shown on plans dated 6/27/06, and as described in other application submissions, and to refer said application to the staff, for review and comments, and to set a Public Hearing for August 7, 2006. MOTION PASSED UNANIMOUSLY.

3. New Special Permit Application, Proposed efficiency Unit at 238 Maple Road, P. Peters, o/a File # 1248

Holt MOVED, Gardner seconded, to receive the Special Permit application (file #1248) submitted by Paul W. Peters, for an efficiency unit within a single family residence, on property located at 238 Maple Road, owned by Paul W. Peters, as shown on plans dated 6/28/06, and as described in other application submissions, and to refer said application to the staff, for review and comments, and to set a Public Hearing for August 7, 2006. MOTION PASSED UNANIMOUSLY.

4. 6/2/06 Letter from J. Spears RE: Storage areas – Colonial Townhouse Apartments, Foster Drive
Item TABLED, awaiting staff reports.

5. Request for release of Maintenance Bond, Maplewoods Section 2, Max Felix Drive
Item TABLED, awaiting staff reports

6. Communications from Mansfield's Open Space Preservation committee Re:
 - a. Recommendation for presentation by the Green Valley Institute on Open Space Subdivisions.

Favretti asked Padick to find out what kind of presentation and how long it would be. The commission agreed by consensus.

- b. Recommendations for regulation revisions regarding submission of preliminary Subdivision Plans.

Referred to the Regulatory Review Committee.

7. Other

Padick noted that on 7/3/06 Eastern Connecticut State University (ECSU) delivered an Environmental Impact Study regarding their proposal to relocate the softball field to the existing site of the baseball field. They are asking for feedback on the proposal by August 19, 2006.

Reports of Officers and Committees

- There was no report from the PZC Chairman or Regional Planning Commission Representatives.

Communications and Bills

- The agenda items were noted, and no discussion was held.

Noting there was no additional business, Favretti declared the meeting adjourned at 8:53 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary